

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MICHAEL W. HARRIS, et al.,	:	
	:	Civil Action No. C-1-01-428
Plaintiffs,	:	
	:	Honorable Judge S. Arthur Spiegel
v.	:	Magistrate Timothy S. Hogan
	:	
PURDUE PHARMA, INC., et al.,	:	PLAINTIFFS' MOTION TO DISMISS
	:	WITHOUT PREJUDICE
Defendants.	:	
	:	

All Plaintiffs named herein hereby move the Court to dismiss their claims without prejudice pursuant to Rule 41(a)(2). Plaintiffs' Motion is supported by the accompanying Memorandum.

Respectfully submitted,

/s/ Janet G. Abaray

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MEMORANDUM

On July 15, 2002, this Court granted Plaintiffs' Leave to File a Second Amended Complaint (Doc. 47). This complaint was filed as a class action on behalf of two distinct groups: an Ohio personal injury class, and a national medical monitoring class. The named representatives for the Ohio personal injury class are: Michael W. Harris, as the Administrator of the Estate of Kathleen Harris Woodward, Daniel Brant, Lisa Stout, Cynthia Justice and Anthony Blevins. The named representatives for the national class are James Betelyoun, Christopher Lester, Barbara Jean Sawyers and Ronald Fantozzi.

Plaintiffs then moved, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for an Order declaring that the action be maintained as a national class action, seeking equitable relief in the form of prescription monitoring. (Doc. 70). In addition, Plaintiffs asked the Court to stay Plaintiffs' request for an Ohio personal injury class, pending appeal of an Ohio personal injury class certified in *Howland, et al. v. Purdue Pharma L.P., et al.*, Case No. CV01-07-1651 (Court of Common Pleas, Butler County, Ohio) in the interest of judicial economy and efficiency. (Doc. 70)

In light of the Court's Order denying Plaintiffs' Motion for National Class Certification on September 30, 2003 (Doc. 100), and because the claims of the Ohio personal injury class members are protected by the pending class action, Plaintiffs now move that the named plaintiffs representing the putative National class as well as the named plaintiffs representing the putative Ohio personal injury class be dismissed pursuant to Rule 41(a)(2).

Accordingly, Plaintiffs respectfully moves this Honorable Court to order that this case be dismissed without prejudice as to all the named Plaintiffs.

Respectfully submitted,

/s/ Beverly H. Pace

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon
the following via ordinary U.S. Mail, postage pre-paid, this 8th day of October, 2003:

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